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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/653,247	09/03/2003	Kazuhiro Itagaki	018775-875	2827

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BUCHANAN, INGERSOLL & ROONEY PC
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EXAMINER

CRUZ, IRIANA

ART UNIT	PAPER NUMBER
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2609

NOTIFICATION DATE	DELIVERY MODE
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09/12/2007

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com
debra.hawkins@bipc.com

Office Action Summary

Application No.

10/653,247

Applicant(s)

ITAGAKI, KAZUHIRO

Examiner

Iriana Cruz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>09/03/2003, 03/23/2005</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-12** are rejected under 35 U.S.C. 102(b) as being anticipated by Sugawara et al. (U.S. Publication Number 2002/0019848 A1).

Regarding **Claims 1 and 7** Sugawara discloses a data transmission apparatus (image communicating apparatus. See paragraph 8.) comprising: a sender which sends an e-mail and a request of returning confirmation of receipt of the e-mail to a destination; a receiver which receives the confirmation of receipt from the destination (The email can specify if it wants or not the confirmation. See Fig. 1 and Paragraphs 8 and 93-97); and a controller which issues a transmission management report (See Fig. 1 1-5-3) at predetermined timings (The confirmation is sent at a predetermined period of time chosen in the settings of the apparatus. See Fig. 4 and Paragraph 89), describing result of transmission for a plurality of transmissions in the transmission management report (Record unit for received emails from various reports. See Paragraphs 8 and 43-44), wherein said controller describes in the transmission management report a transmission or transmissions on which the result of transmission is uncertain when the transmission management report is issued (Reference confirmation if MDN is received or not with the email. See Fig. 5 and Paragraphs 97 and 111).

Regarding **Claims 2 and 8** Sugawara discloses the data transmission apparatus, wherein the transmission or transmissions on which the result of transmission is uncertain include a transmission or transmissions on which the confirmation of result of transmission had not been received and a predetermined wait time had not elapsed when the transmission management report is issued (See Paragraph 96).

Regarding **Claims 3 and 9** Sugawara discloses the data transmission apparatus wherein said controller describes in the transmission management report that the result of transmission is uncertain for the transmission or transmissions on which the result of transmission is uncertain (When the MDN have not been received the confirmation is uncertain. See 111, 118 and 158).

Regarding **Claims 4 and 10** Sugawara discloses a data transmission apparatus, wherein said controller describes in the transmission management report the transmission or transmissions on which a last transmission management report stated that the result of transmission is uncertain (The communication management report shows an unreceived MDN which makes the confirmation to be uncertain until its received. See Fig. 6).

Regarding **Claims 5 and 11** Sugawara discloses a data transmission apparatus, wherein said controller describes in the transmission management report that the result of transmission is certain if the result of transmission becomes certain for the transmission or transmissions, on which a last transmission management report stated that the result of transmission is uncertain, when the transmission management report is

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issued (When the last report states uncertain or unreceived the next step is report it as an error or failure. See Paragraphs 97 and 111).

Regarding **Claims 6 and 12** Sugawara discloses a data transmission apparatus, wherein the request of returning confirmation of receipt is based on an MDN (See Figs. 3-4 and Paragraphs 6 and 69).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Iriana Cruz whose telephone number is (571) 270-3246. The examiner can normally be reached on Monday-friday 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Eisen can be reached on (571) 270-1455. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Alexander Eisen', is positioned to the left of the typed name.

Alexander Eisen
SPE
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August 29, 2007